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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,972	08/19/2003	Don W. Phillips	PLD 301	7571
23581	7590	05/19/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			LORENCE, RICHARD M	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,972

Applicant(s)

PHILLIPS, DON W.

Examiner

Richard M. Lorence

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 1933 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/02/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office action on the merits of Application No. 10/644,972 filed on August 19, 2003. Claims 1-38 are currently pending.

Drawings

The drawings are objected to because of the following informalities:

In Figure 5 "60" should be - - 68 - -.

Figure 2 should be placed in brackets as required by 37 CFR 1.84(h)(1).

Many of the reference numerals and lead lines appear not to comply with the requirements of 37 CFR §§ 1.84(l), (p)(1) and (3), and (q).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

In line 5 on page 6 " 30' " should read - - 30° - -.

In line 9 on page 7 "(preloaded" should read - - (pre-loaded) - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 and 20-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kounovsky '621 which discloses a ratchet 1 including a handle 2 (Figure 1) and a head (shown in detail in Figure 2). The head includes a substantially silent motion-prevention mechanism including a first component formed of a first subcomponent 18 with legs 19 and a second subcomponent 13. The first component defines a path structure 15. The path structure includes a central region whereat a second component 17 in the form of rollers are allowed to move, flanked by outer regions 16 which are constructed so as to prevent movement of the rollers as described at page 2, lines 26-49. Note that in each of the embodiments of Fig. 4 and Fig. 6 the first component includes plural paths and the second component includes a plurality of rollers.

Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen '624 which discloses a ratchet 1 including a handle 10 and a head 11. The head includes a substantially silent motion-prevention mechanism including a first component formed of a first subcomponent 30 with legs 31 and a second subcomponent 20. The first component defines a path structure 20A-E. The path structure includes a central region 20B whereat a second component 32 in the form of rollers are allowed to move,

flanked by outer regions 20C, 20D which are constructed so as to prevent movement of the rollers as described at column 3, lines 47-61. Note that the first component includes plural paths and the second component includes a plurality of rollers. Also note the subregion in the form of a depression 20E as described at column 3, line 62 to column 4, line 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-19 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kounovsky '621 in view of Chen '624.

The '621 patent to Kounovsky discloses a ratchet with a substantially silent movement-prevention mechanism which meets all of the claim limitations as discussed above with respect to claims 2, 9, 11, 21, 28 and 30, except for the subregion of the central region.

Chen '621 discloses a similar ratchet device wherein the central region of the first component includes a subregion in the form of a depression 20E. Chen suggests at column 3, line 62 to column 4, line 4 that by providing the depression the second component in the form of rollers can be positioned in a beginning position whereat the

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roller 32 can be prevented from sliding contact with the side wall 20A which advantageously permits relatively low precision in the assembly of the device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the path structure of Kounovsky with a depression of the type suggested by Chen in order to realize the desirable result taught by Chen.

Prior Art Citation

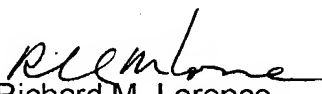
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited by applicant in the IDS filed on February 2, 2004 has been considered. The examiner further cites Stone '355, Kutzler '416 and Chern '803 which each show ratchets which employ rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (703) 308-3062. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard M. Lorence
Primary Examiner
Art Unit 3681

Lorence/rml